

Senate File 359

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1 3 AN ACT
1 4 RELATING TO LANDLORDS, TENANTS, AND ACTIONS FOR FORCIBLE
1 5 ENTRY OR DETENTION AND PROVIDING A PENALTY.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. NEW SECTION. 29A.101A TERMINATION OF LEASE OR
1 10 RENTAL AGREEMENT BY SERVICE MEMBER.
1 11 1. As used in this section, "lease" or "rental agreement"
1 12 means any lease or rental agreement covering premises occupied
1 13 for dwelling, professional, business, agricultural, or similar
1 14 purposes if both of the following conditions are met:
1 15 a. The lease or rental agreement was executed by or on
1 16 behalf of a service member who, after the execution of the
1 17 lease or rental agreement, entered military service.
1 18 b. The service member or the service member's dependents
1 19 occupy the premises for the purposes set forth in this
1 20 subsection.
1 21 2. a. A service member may terminate a lease or rental
1 22 agreement by providing written notice to the lessor or the
1 23 lessor's agent at any time following the date of the beginning
1 24 of the service member's period of military service. The
1 25 notice may be delivered by placing it in an envelope properly
1 26 stamped and addressed to the lessor or the lessor's agent and
1 27 depositing the notice in the United States mail.
1 28 b. Termination of a month-to-month lease or rental
1 29 agreement shall not be effective until thirty days after the
1 30 first day on which the next rental payment is due and payable
1 31 after the date when notice is delivered or mailed. As to all
1 32 other leases or rental agreements, termination shall be
1 33 effective on the last day of the month following the month in
1 34 which notice is delivered or mailed. Any unpaid rent for the
1 35 period preceding the termination in such cases shall be
2 1 computed on a pro rata basis and any rent paid in advance
2 2 after termination shall be refunded by the lessor or the
2 3 lessor's agent.
2 4 c. Upon application by the lessor and prior to the
2 5 termination period provided in the notice, a court may modify
2 6 or restrict any relief granted in this subsection as the
2 7 interests of justice and equity require.
2 8 3. A person who knowingly seizes, holds, or detains the
2 9 personal effects, clothing, furniture, or other property of
2 10 any person who has lawfully terminated a lease or rental
2 11 agreement covered under this section or who interferes in any
2 12 manner with the removal of property from the premises for the
2 13 purposes of subjecting the property to a claim for rent
2 14 accruing subsequent to the date of termination of the lease or
2 15 rental agreement commits a simple misdemeanor.
2 16 Sec. 2. Section 562A.27, Code 2003, is amended by adding
2 17 the following new subsection:
2 18 NEW SUBSECTION. 5. Notwithstanding any other provisions
2 19 of this chapter, a municipal housing agency established
2 20 pursuant to chapter 403A may issue a thirty-day notice of
2 21 lease termination for a violation of a rental agreement by the
2 22 tenant when the violation is a violation of a federal
2 23 regulation governing the tenant's eligibility for or continued
2 24 participation in a public housing program. The municipal
2 25 housing agency shall not be required to provide the tenant
2 26 with a right or opportunity to remedy the violation or to give
2 27 any notice that the tenant has such a right or opportunity
2 28 when the notice cites the federal regulation as authority.
2 29 Sec. 3. NEW SECTION. 648.1A NONPROFIT TRANSITIONAL
2 30 HOUSING EXEMPTED.
2 31 This chapter shall not apply to occupancy in housing owned
2 32 by a nonprofit organization whose purpose is to provide
2 33 transitional housing for persons released from drug or alcohol
2 34 treatment facilities or to provide housing for homeless
3 1 persons. Absent an applicable provision in a lease, contract,
3 2 premises of such housing may be subject to criminal trespass
3 3 penalties pursuant to section 716.8.
3 4 Sec. 4. Section 648.6, Code 2003, is amended to read as
3 5 follows:

3 6 648.6 DELAYED VACATION == NOTICE TO LIENHOLDERS.
3 7 In cases covered by chapter 562B, a plaintiff ~~may preserve~~
3 8 ~~the option of consenting to delayed vacation of a premises as~~
3 9 ~~provided in section 648.22A, by sending~~ shall send a copy of
3 10 the petition, prior to the date set for hearing, by regular,
3 11 certified, or restricted certified mail to the county
3 12 treasurer and to each lienholder whose name and address are of
3 13 record in the office of the county treasurer of the county
3 14 where the mobile home or manufactured home is located.
3 15 Sec. 5. Section 648.22A, Code 2003, is amended to read as
3 16 follows:
3 17 648.22A EXECUTIONS INVOLVING MOBILE HOMES AND MANUFACTURED
3 18 HOMES.
3 19 1. In cases covered by chapter 562B, ~~upon~~ prior to the
3 20 expiration of three days from the date the judgment is entered
3 21 pursuant to section 648.22, the plaintiff or defendant may
3 22 elect to leave a mobile home or manufactured home and its
3 23 contents in the manufactured home community or mobile home
3 24 park for up to thirty sixty days after the date of the
3 25 judgment provided all of the following occur:
3 26 a. The plaintiff consents and the plaintiff has complied
3 27 with the provisions of section 648.6.
3 28 b. The party making the election files a written notice of
3 29 such election with the court and sends a copy of the notice of
3 30 election with a copy of the judgment to the sheriff, the other
3 31 party at the other party's last known address, each record
3 32 lienholder, and the county treasurer in the same manner as in
3 33 section 648.6.
3 34 b. c. All utilities to the mobile home or manufactured
3 35 home are disconnected prior to expiration of three days from
4 1 the entry of judgment filing of the election. Payment of any
4 2 reasonable costs incurred in disconnecting utilities and
4 3 protecting the home from damage is the responsibility of the
4 4 defendant.
4 5 2. During the ~~thirty-day~~ sixty-day period the defendant
4 6 may have reasonable access to the home site to show the home
4 7 to prospective purchasers, prepare the home for removal,
4 8 remove any personal property, or remove the home, provided
4 9 that the defendant gives the plaintiff and sheriff at least
4 10 twenty-four hours' notice prior to each exercise of the
4 11 defendant's right of access. The plaintiff may also have
4 12 reasonable access to the home site to disconnect utilities and
4 13 to show the home to prospective purchasers sent by the
4 14 defendant. The plaintiff shall not have the right to sell the
4 15 home during the sixty-day period unless the defendant enters
4 16 into a written agreement for the plaintiff to sell the home.
4 17 3. During the ~~thirty-day~~ sixty-day period the defendant
4 18 shall not occupy the home or be present on the premises
4 19 between the hours of seven p.m. and seven a.m. A violation of
4 20 this subsection shall be punishable as contempt.
4 21 4. If the ~~plaintiff or~~ defendant finds a purchaser of the
4 22 home, who is a prospective tenant of the manufactured home
4 23 community or mobile home park, the provisions of section
4 24 562B.19, subsection 3, paragraph "c", shall apply.
4 25 5. If, within the ~~thirty-day~~ sixty-day period, the home is
4 26 not sold to an approved purchaser or removed from the
4 27 manufactured home community or mobile home park, the plaintiff
4 28 may sell or dispose of the home in accordance with the
4 29 provisions of section 555B.9 without an order for disposal, or
4 30 chapter 555C, and may do so free and clear of all liens,
4 31 claims, or encumbrances of third parties except any tax lien,
4 32 at which time all of the following shall occur:
4 33 a. The home, its contents, and any other property of the
4 34 ~~defendant remaining on the premises shall become the property~~
4 35 ~~of the plaintiff free and clear of all rights of the defendant~~
5 1 ~~to the property and of all liens, claims, or encumbrances of~~
5 2 ~~third parties, and any tax levied pursuant to chapter 435 may~~
5 3 ~~be abated by the board of supervisors. The proceeds from the~~
5 4 ~~sale shall first be applied to any judgments against the~~
5 5 ~~defendant obtained by the plaintiff, any unpaid rent or~~
5 6 ~~additional costs incurred by plaintiff, and reasonable~~
5 7 ~~attorney fees. Any remaining proceeds shall next be applied~~
5 8 ~~to any tax lien with the remainder to be held in accordance~~
5 9 ~~with section 555B.9, subsection 3, paragraph "c".~~
5 10 b. Any money judgment against the defendant and in favor
5 11 of the plaintiff relating to the previous tenancy shall be
5 12 deemed satisfied, except those arising from independent torts.
5 13 c. ~~The~~ If plaintiff elects to retain the home pursuant to
5 14 section 555B.9, the county treasurer, upon receipt of a fee
5 15 equal to the fee specified in section 321.42 for replacement
5 16 of certificates of title for motor vehicles, and upon receipt

5 17 of an affidavit submitted by the plaintiff verifying that the
5 18 home was not sold to an approved purchaser or removed within
5 19 the time specified in this subsection, shall issue to the
5 20 plaintiff a new title for the home.

5 21 6. A purchaser of the home shall be liable for any unpaid
5 22 sums due the plaintiff, sheriff, or county treasurer. For the
5 23 purposes of this section, "purchaser" includes a lienholder or
5 24 other claimant acquiring title to the home in whole or in part
5 25 by reason of a lien or other claim.

5 26 7. ~~* Nothing in this section shall prevent the defendant~~
5 27 ~~from removing the mobile home or manufactured home prior to~~
5 28 ~~the expiration of three days after entry of judgment, after~~
5 29 ~~which time a mobile home or manufactured home shall not be~~
5 30 removed without the prior payment to the plaintiff of all sums
5 31 owing at the time of entry of judgment, interest accrued on
5 32 such sums as provided by law, and per diem rent for that
5 33 portion of the ~~thirty-day~~ sixty-day period which has expired
5 34 prior to removal, and payment of any taxes due on the home
5 35 which are not abated pursuant to subsection 5.

6 1 8. ~~In any case where this section has become operative,~~
6 2 ~~section 648.18 does not apply.~~

6 3 9. ~~This section does not preclude the exercise of a~~
6 4 ~~lienholder's rights under 648.22B.~~

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6 8 _____
6 9 MARY E. KRAMER
6 10 President of the Senate

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6 12 _____
6 13 CHRISTOPHER C. RANTS
6 14 Speaker of the House
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6 16 I hereby certify that this bill originated in the Senate and
6 17 is known as Senate File 359, Eightieth General Assembly.

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6 21 _____
6 22 MICHAEL E. MARSHALL
6 23 Secretary of the Senate

6 24 Approved _____, 2003

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6 26 _____
6 27 THOMAS J. VILSACK
6 28 Governor